

# COMMITTEE REPORT

## MADAM PRESIDENT:

The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1           Page 4, after line 30, begin a new paragraph and insert:

2           "(d) This subsection applies to a changeable message sign  
3           erected after the owner or operator receives a permit from the  
4           department. Notwithstanding any rules adopted by the department  
5           after the issuance of the permit, a changeable message sign that is  
6           in compliance with the rules in effect at the time a permit is  
7           granted for the changeable message sign is considered to be in  
8           compliance with the department's rules.

9           SECTION 7. IC 10-13-5-8.1 IS ADDED TO THE INDIANA CODE  
10          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11          1, 2007]: Sec. 8.1. (a) In addition to an agreement with a  
12          broadcaster under section 8 of this chapter, the clearinghouse may  
13          enter into an agreement with one (1) or more electronic billboard  
14          operators to display Amber alerts under this section. An agreement  
15          under this section may include a limitation on the days and times  
16          that the electronic billboard operator is required to have staff  
17          present to receive an Amber alert notification.

18          (b) The department's guidelines adopted under section 8 of this  
19          chapter may require staff, upon receiving a report that a child has  
20          been abducted, to immediately send by facsimile (fax) transmission

1 or other means of communication a description of the abducted  
2 child to one (1) or more electronic billboard operators  
3 participating in the Amber alert program if the Amber alert occurs  
4 during a period when the electronic billboard operator has agreed  
5 to have staff present to receive an Amber alert notification.

6 (c) An electronic billboard operator participating in the Amber  
7 alert program shall immediately display:

8 (1) a description of the abducted child; and

9 (2) other information that will assist in locating the abducted  
10 child;

11 to the general public in accordance with the Amber alert plan  
12 agreement between the clearinghouse and the electronic billboard  
13 operator.

14 (d) The department shall adopt guidelines governing the  
15 voluntary Amber alert program agreement between the  
16 clearinghouse and an electronic billboard operator. The voluntary  
17 agreement between the clearinghouse and the electronic billboard  
18 operator may include the following provisions:

19 (1) Upon receiving a notification as part of the Amber alert  
20 program, the electronic billboard operator shall display the  
21 information contained in the notice on an intermittent basis  
22 for a period of time as provided in the agreement between the  
23 clearinghouse and the electronic billboard operator.

24 (2) The electronic billboard operator shall treat the Amber  
25 alert notification as an emergency.

26 (3) The electronic billboard operator shall ensure that the  
27 facsimile (fax) transmission machine or other communications  
28 device used to receive an Amber alert notification is:

29 (A) generally available to receive an Amber alert  
30 notification; and

31 (B) located such that the electronic billboard operator will  
32 immediately become aware of an incoming Amber alert  
33 notification received during days and times when staff is  
34 present to receive an Amber alert notification.

35 SECTION 8. IC 10-13-5-8.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8.5. (a) A broadcaster  
37 or electronic billboard operator that has agreed to participate in the  
38 Amber alert program and that:

- 1 (1) receives an Amber alert notification from the department; and  
 2 (2) broadcasts **or displays**:  
 3 (A) a description of the abducted child contained in the  
 4 notification; and  
 5 (B) other information contained in the notification that will  
 6 assist in locating the child;  
 7 is immune from civil liability based on the broadcast **or display** of the  
 8 information received from the department.  
 9 (b) If:  
 10 (1) a person enters into an agreement with the department to  
 11 establish or maintain an Amber alert web site; and  
 12 (2) the agreement provides that only the department has the  
 13 ability to place information on the web site;  
 14 the person is immune from civil liability for the information placed on  
 15 the web site by the department. However, this subsection does not  
 16 affect the applicability of IC 34-13-3 to the department.  
 17 SECTION 9. IC 34-30-2-35.7 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35.7. IC 10-13-5-8.5  
 19 (Concerning a broadcaster who broadcasts **or an electronic billboard**  
 20 **operator who displays** an Amber alert notification, and a person who  
 21 establishes or maintains an Amber alert web site under an agreement  
 22 with the state police department).".  
 23 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1373 as printed February 16, 2007.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 10, Nays 0.

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Wyss

Chairperson